

## REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Currently, claims 1, 2, 4, 5, 8, 10-17, 19-33 and 36-38 remain pending in the present application, including independent claims 1, 10, 21 and 23. The claims are directed to a carton adapted for storing and displaying stacked sheet material, are directed to a sheet material dispenser, and are directed to a system for transporting and displaying sheet material in a 3-sided carton.

In the Office Action, claims 33, 35 and 38 were rejected under 35 U.S.C. § 112. In response, claims 34 and 35 have been canceled, while claims 33 and 38 have been amended. Further, Figure 4 has been amended so that the figures are in conformity with the specification on page 8 that states that the first arch 36 and the second arch 37 form a dividing line between the portion of the side walls which are adhesively secured to each other and the portion of the side walls which are not adhesively secured to each other. As shown in Figures 6 and 7, for instance, the inner side wall is not secured to the outer side wall in the area defined between the arch and the intersection of the inner side wall and the flap. Based on Figures 6 and 7 and the text on page 8 of the specification, Applicant submits that claims 33 and 38 are clearly supported by the written description and drawings.

If Examiner Tran continues to have issues with the manner in which claims 33 and 38 are presented, he is invited and encouraged to telephone the undersigned so that this particular issue may be discussed and resolved.

In the Office Action, independent claims 1 and 10 were rejected under 35 U.S.C. § 102 solely in view of Lane. Independent claims 21 and 23, on the other hand, were rejected under 35 U.S.C. § 103 over Lane in view of Meller and Miller. As now amended, however, it is believed that all of the independent claims are in complete condition for allowance.

For example, claims 1, 10 and 21 have now all been amended to state that at least the first inner side wall is folded over and placed upon the first outer side wall such that a surface of the first outer side wall lies adjacent to and is in contact with an opposing

surface of the first inner side wall. The claims further require that the first outer side wall be secured to the first inner side wall between the opposing surfaces.

The above configuration is not disclosed or suggested in Lane either alone or in combination with the other two cited references.

For instance, Lane discloses and teaches a package that includes side walls in a **triangular configuration**. The triangular configuration is necessary in Lane in order for the package to hold jars or bottles. Further, since the panels 11 in Lane are positioned on the panel 3 in between the second and third panels 4 and 5, it is not possible for the panels 4 and 5 to be placed upon each other so that the panels lie adjacent to each other and are in contact with each other along opposing surfaces. As such, Applicant submits that claims 1, 10 and 21 patentably define over Lane.

As stated above, independent claim 21 was rejected over Lane in view of Meller and Miller. Meller, however, similar to Lane teaches a merchandise holder having triangular shaped side walls. Specifically, each side wall in Meller includes a wall 9 that is spaced from a bracing wall 17. The holder includes portions 18 that are folded below the bottom panel. As described in Meller in column 2, the bracing walls are only secured to the floor section to allow partial flexing of the side walls when the device is holding bottles, cans and the like. Thus, Meller also fails to disclose or suggest the invention defined in claims 1, 10 and 21.

The remaining reference cited against claim 21, Miller, merely discloses the use of a tray and therefore does nothing to cure the above noted deficiencies of the other two references. As such, it is submitted that claim 21 patentably defines over all three references in combination.

The remaining independent claim in the present application, claim 23 is directed to a system for transporting and displaying sheet material in a 3-sided carton. The carton includes a bottom panel joined to a first side wall and a second side wall. A sheet material is stacked upon the bottom panel. Claim 23 requires that the system include a removable outer protective wrap that is configured to encase and surround the carton. As now amended, claim 23 further requires the sheet material to comprise a plurality of napkins.

In stark contrast to claim 23, none of the three references cited in the Office Action, Lane, Meller or Miller, disclose a carton containing a plurality of napkins in a stacked

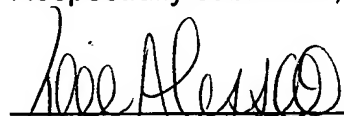
configuration. Miller merely discloses a thick layer of wood fluff 20 and a tissue-like paper wadding 21. Since none of the references disclose or suggest a carton containing a plurality of stacked napkins, Applicant submits that claim 23 also patentably defines over the cited references.

The Examiner's attention is also directed to each of the dependent claims contained in the currently pending application. Many of the claimed features are also not disclosed or suggested in the cited references. For instance, none of the references disclose or suggest the subject matter defined in claims 33 and 38.

In summary, it is believed that the claims as currently amended patentably define over the prior art of record. Favorable reconsideration and a notice of allowance are respectfully requested. Should any issues remain after consideration of this amendment, however, then Examiner Tran is invited and encouraged to telephone the undersigned at his convenience.

6/24/04  
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Date

Respectfully submitted,

  
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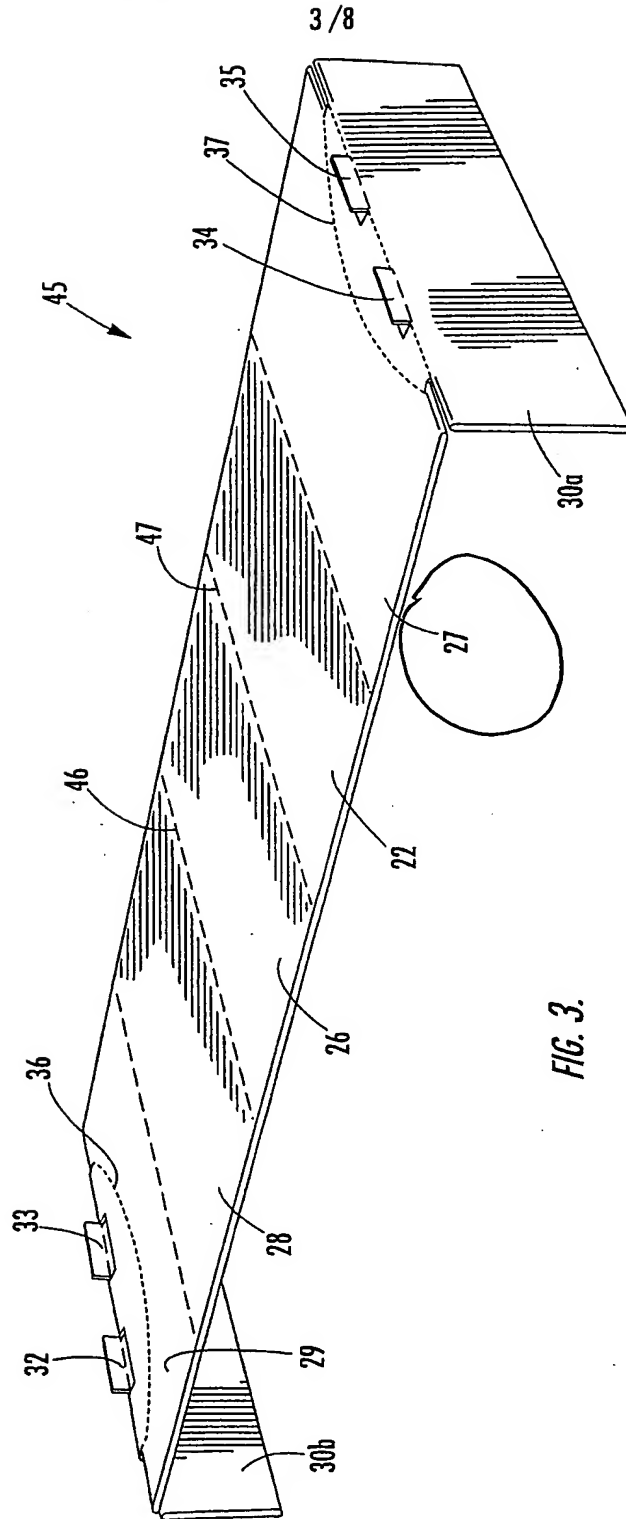
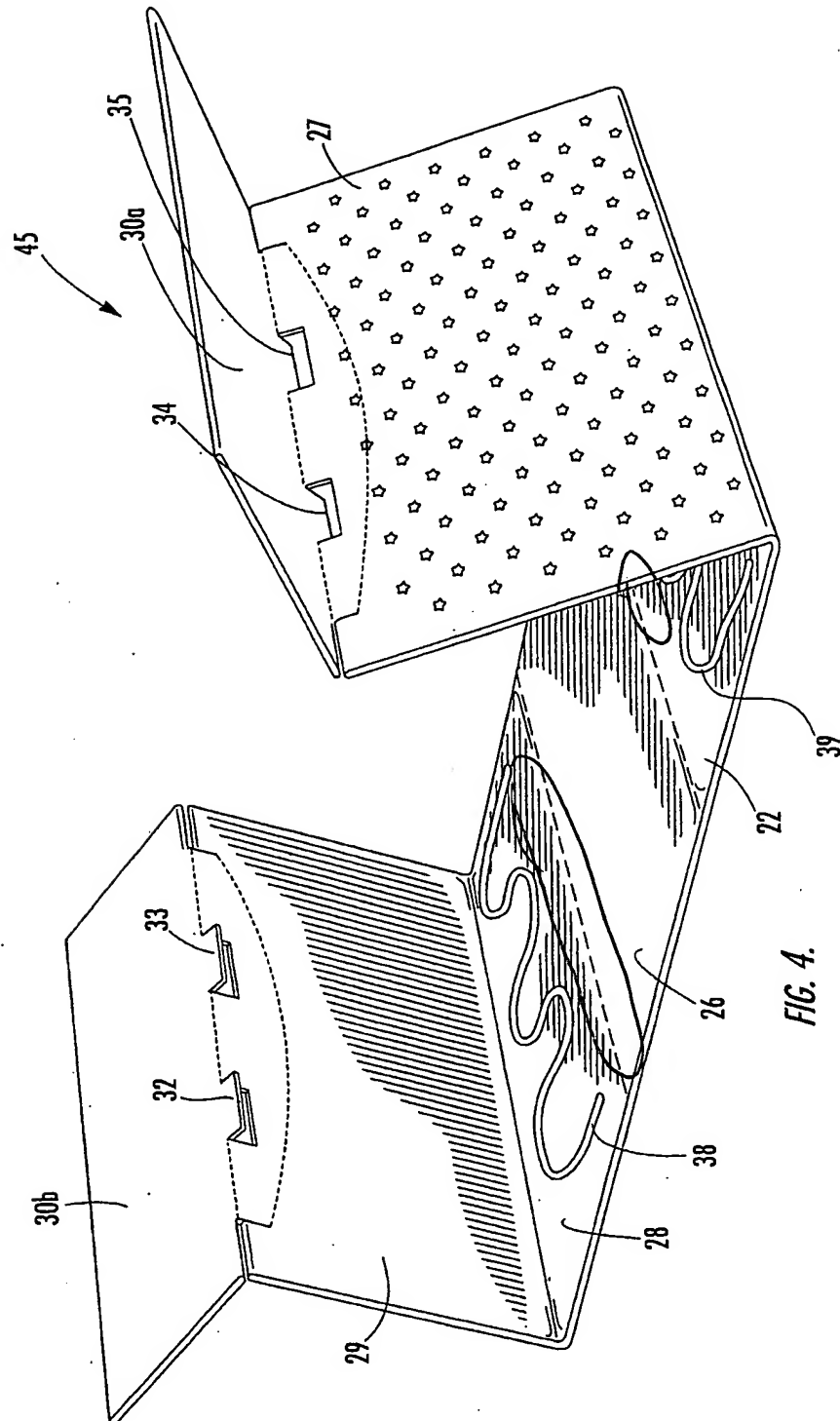
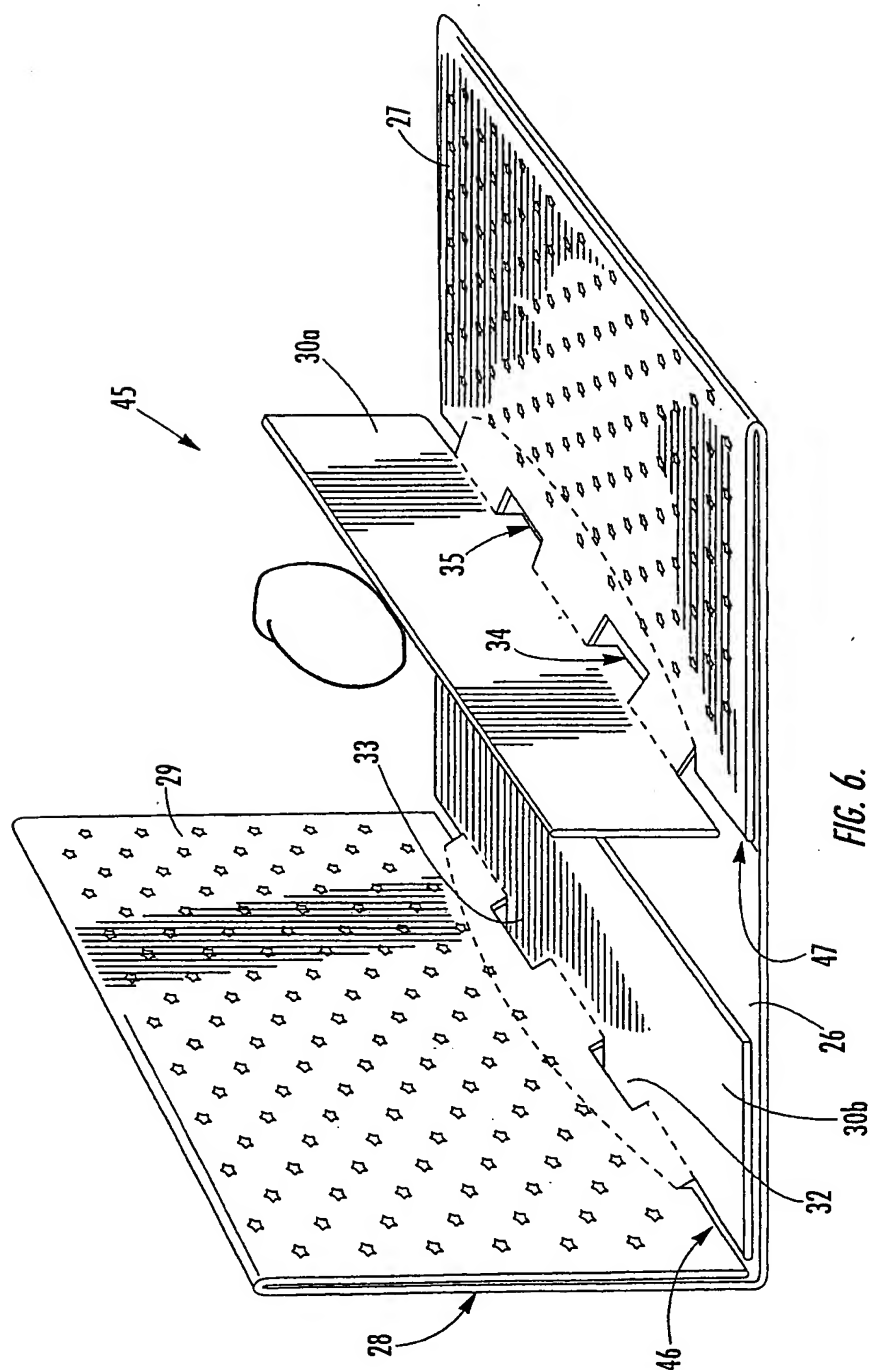


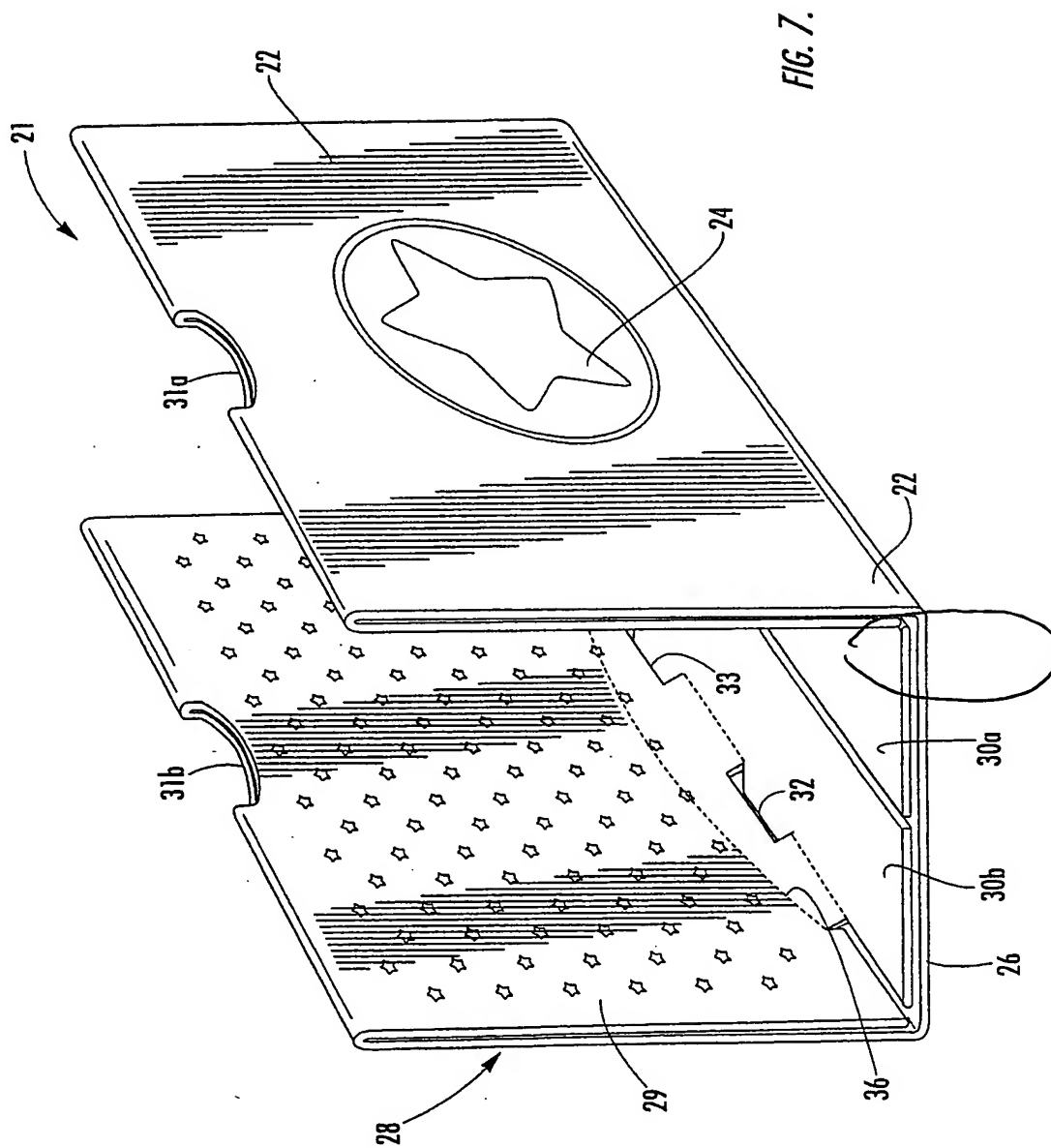
FIG. 3.





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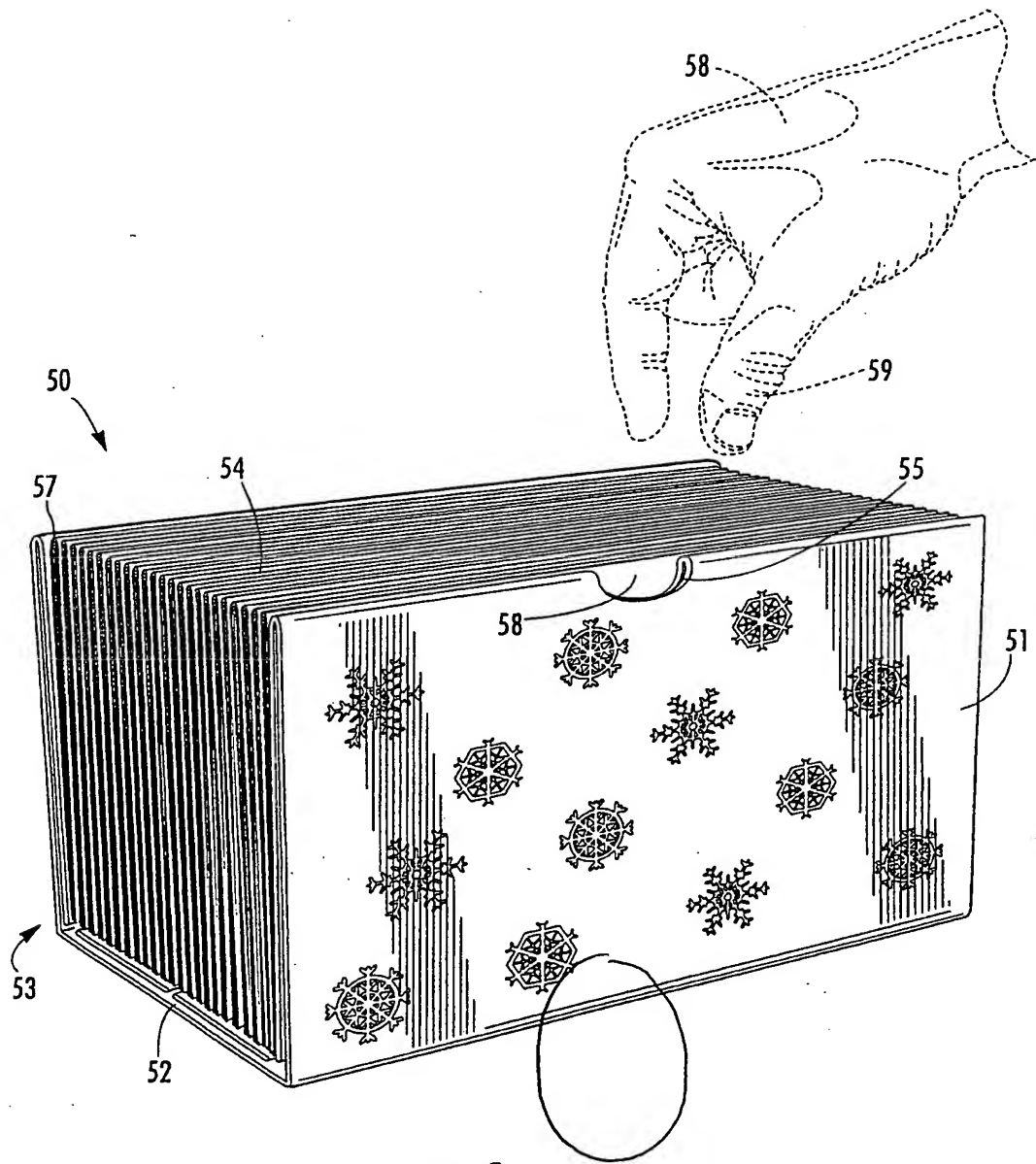


FIG. 8.